

PATENT COOPERATION TREATY

lene jepsen

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

MOTOROLA EUROPEAN INTELLECTUAL
PROPERTY OPERATIONS
Attn. McCormack, Derek J.
Midpoint, Alencon Link,
Basingstoke, Hampshire
RG21 7PL
UNITED KINGDOM

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference
CE10039EP

Date of mailing
(day/month/year)

12/01/2005

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.
PCT/EP2004/052010

International filing date
(day/month/year)

02/09/2004

Applicant

MOTOROLA INC

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority

 European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Marlene Benigar

DOCKETED
EIPD

04 FEB 2005

Amend. 12/10/05

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CE10039EP	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2004/052010	International filing date (day/month/year) 02/09/2004	(Earliest) Priority Date (day/month/year) 20/10/2003
Applicant MOTOROLA INC		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/052010

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 H04Q7/38

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04Q H04L H04B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, INSPEC

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 063 788 A (CIT ALCATEL) 27 December 2000 (2000-12-27)	1,9-13, 15,16, 18,20, 21,24,25
Y	column 1, line 3 - line 17 column 2, line 34 - line 39 column 3, line 49 - column 6, line 43 -----	2-8,14, 17,19, 22,23
Y	WO 95/22857 A (MOTOROLA INC) 24 August 1995 (1995-08-24) abstract page 4, line 23 - page 5, line 32 page 9, line 11 - page 10, line 10 ----- -/--	2-8,14, 17

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

4 January 2005

Date of mailing of the international search report

12/01/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Rosenauer, H

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/052010

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/093777 A (INTERDIGITAL TECH CORP) 21 November 2002 (2002-11-21)	1,2,25
Y	page 2, line 10 - page 3, line 17 page 5, line 5 - line 13 page 7, line 7 - line 13 page 11, line 8 - page 15, line 10 figures 2,3,6	19,22,23
A	----- EP 1 189 466 A (SCOREBOARD INC) 20 March 2002 (2002-03-20) column 1, line 7 - line 9 column 4, line 40 - line 54 column 6, line 29 - line 36 column 10, line 8 - column 11, line 41 figure 3	1-25
A	----- EP 1 313 345 A (HUTCHISON WHAMPOA THREE G IP B) 21 May 2003 (2003-05-21) abstract page 4, line 9 - line 16 page 4, line 50 - page 5, line 25 page 5, line 34 - line 39 figure 4	1-25
A	----- PEDERSEN K I ET AL: "The downlink orthogonality factors influence on WCDMA system performance" VTC 2002-FALL. 2002 IEEE 56TH. VEHICULAR TECHNOLOGY CONFERENCE PROCEEDINGS. VANCOUVER, CANADA, SEPT. 24 - 28, 2002, IEEE VEHICULAR TECHNOLOGY CONFERENCE, NEW YORK, NY : IEEE, US, vol. VOL. 1 OF 4. CONF. 56, 24 September 2002 (2002-09-24), pages 2061-2065, XP010608794 ISBN: 0-7803-7467-3 page 2063, left-hand column, line 1 - line 17	1-25

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PC 17/EP2004/052010

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 1063788	A	27-12-2000	EP 1063788 A1	27-12-2000
			AU 6263300 A	09-01-2001
			WO 0079803 A2	28-12-2000
WO 9522857	A	24-08-1995	BR 9505648 A	04-06-2002
			CA 2158270 A1	24-08-1995
			DE 69533663 D1	25-11-2004
			EP 0702863 A1	27-03-1996
			FI 954623 A	29-09-1995
			IL 112334 A	16-08-1998
			JP 8509349 T	01-10-1996
			KR 181320 B1	15-05-1999
			PL 311158 A1	05-02-1996
			WO 9522857 A1	24-08-1995
			US 5734967 A	31-03-1998
WO 02093777	A	21-11-2002	US 2002181550 A1	05-12-2002
			AT 282266 T	15-11-2004
			CA 2447241 A1	21-11-2002
			DE 60201902 D1	16-12-2004
			EP 1388217 A2	11-02-2004
			WO 02093777 A2	21-11-2002
EP 1189466	A	20-03-2002	CA 2325079 A1	02-05-2002
			JP 11272972 A	08-10-1999
			EP 1189466 A1	20-03-2002
			JP 2000004158 A	07-01-2000
EP 1313345	A	21-05-2003	GB 2382271 A	21-05-2003
			CN 1422091 A	04-06-2003
			EP 1313345 A2	21-05-2003
			NZ 522573 A	30-07-2004
			US 2003095572 A1	22-05-2003

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/052010

International filing date (day/month/year)
02.09.2004

Priority date (day/month/year)
20.10.2003

International Patent Classification (IPC) or both national classification and IPC
H04Q7/38

Applicant
MOTOROLA INC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Authorized Officer

Rosenauer, H

Telephone No. +49 89 2399-7231



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/EP2004/052010~~IP2004/052010~~ 09 FEB 2006**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052010

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,9-13,15,16,18,20,21,24,25
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
 INTERNATIONAL SEARCHING
 AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/052010

Reference is made to the following documents:

D1: EP-A-1 063 788

D2: WO 95/22857

D3: WO 02/093777

A. Citations and explanations in respect of Item V:

- 1 **Document D1** (see in particular column 1, lines 3 to 17; column 2, lines 34 to 39; column 3, line 49 to column 6, line 43), which is considered to represent the most relevant state of the art, discloses, according to **all** the features of **claim 1** (applying the terminology of claim 1 and references to D1), an apparatus for a radio communication system (see in particular column 4, lines 5 to 11; "**RNC**"), comprising,
 - means for receiving an access message transmitted from a subscriber unit to a base station (see in particular column 4, lines 17 to 21; "**initial access**");
 - means for determining an interference characteristic associated with the subscriber unit (see in particular column 4, lines 38 to 42); and
 - means for determining a resource requirement for achieving a desired signal to interference ratio in response to the interference characteristic (see in particular column 4, lines 26 to 33).

Therefore, the subject-matter of claim 1 is not new, Article 33 (2) PCT.

It should furthermore be noted that even if the Applicant intended to argue novelty of claim 1, based on slightly different interpretations of the features of claim 1 and those disclosed in document **D1**, the subject-matter of said claim would **not involve an inventive step**, Article 33 (3) PCT, having regard to the disclosure of document D1 and the normal knowledge of a person skilled in the art of call admission control in CDMA communication systems and related resource determination procedures. In this respect it should be noted that document **D3** (see in particular page 2, line 10 to page 3, line 17; page 5, lines 5 to 13; page 7, lines 7 to 13; page 11, line 8 to page 15, line 10; figures 2, 3, 6) describes an similar apparatus for call admission control and resource determination procedures.

- 2 The same considerations as made above in paragraph 1 in respect of claim 1 are also valid for **independent claim 25**, which contains the corresponding features of claim 1 in terms of a method claim.

The subject-matter of claim 25 is therefore not new, Article 33 (2) PCT.

- 3 Furthermore, **dependent claims 2 to 24** do **not** contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims **either is in principle** derivable from the disclosure of document **D1** (for claims **9 and 10** : see column 4, lines 12 to 22; for claims **11 and 12**: see column 4, lines 26 to 33 and lines 43 to 48; for claims **13, 15 and 16**: see column 5, lines 36 to 50; for claim **18**: see column 6, lines 16 to 33; for claims **20 and 21**: see column 6, lines 34 to 38; for claim **24**: see column 1, lines 10 to 17), from a similar application described in document **D2** (for claims **2, 3 and 5**: see page 4, line 25 to page 5, line 32), or from an similar application described in document **D3** (for claim **2**: see page 12, lines 3 to 7, "pathloss"; for claim **19**: see page 14, lines 6 to 16, figure 7; for claims **22 and 23**: see page 14, lines 1 to 5), or represents minor design details which are based on the general design competence of the person skilled in the field of wireless communication systems.

Dependent claims 2 to 24 therefore **do not** meet the requirements of Article 33 (3) PCT.

B. Further remarks:

- 1 Contrary to the requirements of Rule 6.3 (b) PCT, the independent claims are not correctly cast in the **two-part form**, with those features which in combination are part of the nearest prior art (as. e.g. described in the **document D1**) being placed in the preamble.
- 2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.

- 3 Contrary to the requirements of Rule 6.2 (b) PCT, no reference signs in parenthesis are inserted in all claims to increase their intelligibility. This applies both to the preamble and the characterizing portion.
- 4 According to the requirements of Rule 11.13(m) PCT the same feature shall be denoted by the same reference sign throughout the application. This requirement is not met in view of the use of reference sign "101" on page 14, line 30, on page 15, line 1 and on page 17, lines 16 and 17, that denotes a base station, which is denoted with reference sign "103" in figure 1. Reference sign "101" should therefore be replaced by reference sign "103".

The same considerations apply also to the term "FIG. 3" on page 15, line 20, which should be replaced by the term "FIG. 1".

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